Judiciary Committee
April 5, 2013

HB 6690 - *An Act Concerning Court Proceedings and The Protection of Animals*

Today, as the Judiciary Committee listens to testimony on several legislative proposals addressing divorce matters, I respectfully request the Committee consider including language in House Bill 6690 *An Act Concerning Court Proceedings and The Protection of Animals* addressing the best interests of a companion animal in divorce cases

While historically it was common in family cases, including dissolution and separation cases, to treat companion animals as nothing more than personal property, a strong and passionate movement has begun to recognize companion animals as the sensitive and loving living beings and important family companions that they are. Companion animals are almost universally treated and valued more like family members. They are unable to make decisions about their health and safety and are dependent on adults as caretakers and decision makers.

Courts are beginning to reject a narrow strict property analysis when it comes to companion animals and instead consider the best interests of the animal and evaluate the kind of care that each party can provide.

In Connecticut the legislature has acknowledged that animals can't represent themselves and merit special attention and care. Current law recognizes the special protection for animals in domestic violence orders: CGS §§ 46b-15(b)(3), 46b-38c(e)(3), 54-1k(b)(3).

The proposed language requests the court to consider the best interest of the animal when awarding custody, and to also consider the best placement of the animal.

Below, please find proposed substitute language for House Bill 6690 *An Act Concerning Court Proceedings and The Protection of Animals:*

> For the purposes of this section, "companion animal" means a domesticated dog or cat that is normally kept in or near the household of its owner or keeper and is dependent on a person for food, shelter and veterinary care.

(a) In any dispute as to the custody of a companion animal, the best interests of the companion animal shall be considered by the court, and;

(b) The court shall consider the unique bond a companion animal has with the pet and animal owner(s) and the court shall favor placing the companion animal with the party who shares the most significant relationship with, and is in the best position to care for, that companion animal.

Thank you for your time and consideration of this important issue.

Sincerely,

Attorney Michael A. Hardesty